

**National Compliance Assistance Providers Forum**  
***“Optimizing Resources for Environmental Results”***

December 3-6, 2002  
San Antonio, Texas

**Keynote Address**

**J.P. Suarez, Assistant Administrator**  
**Office of Enforcement and Compliance Assurance**  
**U.S. Environmental Protection Agency**

Following the message from Governor Whitman, Mr. Suarez addressed Forum participants. He stated the importance of being strategic in EPA's approach to compliance assistance. He highlighted the need to:

1. *coordinate planning with other federal agencies, tribes and governments.* This past summer regions were asked to incorporate coordinated planning into local settings. Regions were asked to discuss ways EPA Regions and states can better coordinate and to look for more meaningful ways to work together.
2. *better communicate with regulatory entities.* This can and must be part of what EPA does every day. Tools must get in the hands of people who must use them. EPA needs to know what it is that our clients need.
3. *continue to have integrated approaches.* He noted that it takes more than one tool to effectively address environmental concerns. He suggested considering which mix of tools – compliance assistance, monitoring, and enforcement – are needed. EPA needs to determine which tool, what combination and what priority. Tools that move industry beyond compliance are needed.
4. *better use and analyze data.* EPA collects a vast amount of information from some forty-one million regulatory entities and growing. EPA needs standardized ways of measuring the effectiveness of its work. EPA must be able to analyze and use the data it collects.

Mr. Suarez then talked about how EPA is being “smart” in compliance assistance. EPA is working with states and others to develop assistance tools. The first Compliance Assistance Advisory Committee (CAAC) was formed in 2000, one of many cooperative efforts between EPA and its stakeholders. The CAAC is made up of representatives from industry, trade associations, community organizations, state and local governments. Initial recommendations from the CAAC were received in late summer of 2001, and a second generation of CAAC

members are monitoring EPA's progress on these recommendations and creating new recommendations to help EPA move forward in this area.

The agency has already implemented many of the recommendations that the CAAC made in their first final report that was submitted in 2001. Among the things that EPA has implemented include:

- establishing a Compliance Assistance Roundtable;
- working with the Office of Management and Budget (OMB) on a composite "one shop";
- developing a web-based profile to help customers find compliance assistance tools more effectively for smarter and more effective outreach; and
- establishing the Compliance Assistance Clearinghouse and Compliance Assistance Centers in partnership with other compliance assistance providers.

Mr. Suarez then discussed one example of how EPA knows it is having success. In FY02, target audiences and the public logged onto the Compliance Assistance Web site more than 673,000 times. Two and a half million hits were made to the Compliance Assistance Centers.

Surveys conducted through the Centers indicated a high degree of satisfaction:

- 90% of Center users stated the Centers helped them understand their compliance requirements;
- 73% took action after using the Centers; and
- 69% indicated cost saving as a result of visiting the Centers.

EPA is opening three new Compliance Assistance Centers – construction, auto salvage and a USA/Mexican border center. The USA/Mexican Center represents an international partnership to provide assistance for the transport of hazardous materials.

Mr. Suarez emphasized the importance of EPA having the ability to measure how we are doing. EPA needs to clearly and consistently articulate outcomes and results of compliance assistance efforts. It is challenging and EPA is committed to the process of advising on better ways to assess compliance assistance tools. Unless EPA is able to measure effectively and consistently, it will not be able to communicate successes. If EPA is able to implement a measurement tool, then it will be able to measure, report on and confidently state compliance assistance accomplishments.

It is EPA's goal to get companies in compliance, stay there and move beyond to ensure cleaner air, purer water and protection of land.

Mr. Suarez announced awards for two individuals - Richard Sustich and Janet Viniski - and thanked them for their contributions to Compliance Assistance. Richard Sustich, is Assistant Director of Research and Development, Metropolitan Water Reclamation District of Greater Chicago and a two-time Co-chair of the Compliance Assistance Advisory Committee. Janet Viniski is a Team Leader and Compliance Assistance Coordinator in US EPA Region 3, who has focused on planning, communication and coordination. The communication plan she was

instrumental in developing has been used as a model for other Regions.

Mr. Suarez closed by saying it is an honor to work with so many dedicated people to achieve cleaner air, purer water and better protected land. He acknowledged that results of those who work for EPA and in the public sector make a difference and that their actions will leave a legacy for future generations. He emphasized that there are not a lot of people that can say that the work they do really makes a difference.

### **Questions and Answers**

*You mentioned that the primary goal for EPA is to help companies comply, yet that is not where resources are currently being allocated; can you explain this?* Mr. Suarez responded by saying OECA continues to advocate for more resources within EPA, and EPA tries to advocate for states and other partners to get the resources they need for compliance assistance.

*States are being approached differently by different offices of EPA to incorporate more compliance assistance within State programs, stormwater regulations and pollution prevention plans. Where should states go for help with incorporating this compliance assistance?* Mr. Suarez stated that communication within EPA is one of his big challenges. In the area of compliance assistance, the Agency needs to improve communication and coordination internally.

*From an inspector's standpoint, OECA stresses more enforcement cases, etc. How can we do compliance assistance without a drop in enforcement cases? How do we track compliance assistance while still keeping the numbers up?* Mr. Suarez responded that he wants more cases and better cases. He stated that the numbers matter; they are a measure of the performance of the enforcement program. EPA can start the conversation about measuring outcomes now and start moving away from enforcement. The number of cases is a measure but not the only measure.

*Mr. Suarez, you mentioned a web-based profile is what business needs. How will EPA protect small business information?* Mr. Suarez responded that the system was still under development. However, it will be a voluntary system where businesses have an option of how much detailed information they want to provide – the more detail, the more customized response. The system will ask for general location and business impact information. It does not ask specific information such as address. Mr. Suarez emphasized the need to establish trust with the regulatory industry. He said the profile will be an opportunity for industry to request information without triggering enforcement action.

*In the first report from the CAAC, there was a recommendation for integration of compliance assistance into media programs. What is the status of this recommendation?* Mr. Suarez stated that EPA is moving in the right direction with the new goal structure. The lack of compliance assistance efforts in other goals is something EPA needs to work on. He emphasized that the goal structure is important because of the way resources are managed at EPA, but the structure should not stand in the way of coordination, integration, and communication. He stated EPA needs to address how it responds to clients. Different offices respond differently.

*A participant had the pleasure of working with OECA on the Print Step program. He suggested EPA take that type of program and expand it. EPA doesn't need to reinvent measurements. EPA should take lessons learned and evaluation on what took place from Print Step and see what can apply to compliance assistance. 20% of total funds for print steps are being spent on measurement evaluation. He asked Mr. Suarez if the money would be better used for implementation and not to re-evaluate/plan. Mr. Suarez agreed that there are times that money is spent on planning and evaluating and not on actual implementation. He emphasized the need to implement.*

*Do you feel compliance assistance needs to be in OECA? Can they be effective while in the same group? In Pennsylvania, it seems more effective because it is separate. Mr. Suarez responded that he thought they can work well together. He stated that EPA needs to look at the best way to assess a problem. While he appreciates the concern, there is a need to recognize that there is point when compliance assistance does not work and enforcement is the next step. He did note that enforcement needs to be flexible and fair. Mr. Suarez stated that he did not see benefit to separating the two and creating another silo.*